

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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13 MD 2481 (KBF)
and all related cases

ORDER

KATHERINE B. FORREST, District Judge:

In an Order dated May 2, 2014, the Court ordered Daniel E. Becnel, Jr.—counsel to plaintiffs in River Parish Contractors Inc. v. Goldman Sachs Group, Inc. (13 Civ. 9095) and Energy Beverage Mgmt., LLC v. Goldman Sachs Group, Inc. (14 Civ. 1855) (together, the “Becnel Actions”)—to inform the Court by letter, not later than May 9, 2014, whether the Becnel Actions (1) are to be consolidated with one of the consolidated amended complaints; or (2) are otherwise subsumed within one of the groups of plaintiffs such that these individual actions may be closed. (ECF No. 259.) To date, Mr. Becnel has failed to do so.¹

The Court is aware that the three groups of plaintiffs in this multidistrict litigation have previously stated that they do not believe one or both of the Becnel Actions are properly considered as part of their respective plaintiff groups. (See ECF Nos. 209, 214, 357.)

In prior correspondence from Mr. Becnel, he has indicated that plaintiffs in the Becnel Actions are “indirect purchasers.” (ECF No. 204.) In River Parish

¹ This is not the first time that Mr. Becnel has failed to respond to an Order directed to him in this multidistrict litigation. (See 4/14/14 Order at 2, ECF No. 276.)

Contractors, plaintiff is a mechanical and industrial contractor that is alleged to have purchased aluminum for use in its operations. (See Compl. ¶ 35, 13 Civ. 9095, ECF No. 1.)² In Energy Beverage, plaintiffs are beverage distributors that are alleged to have purchased products containing aluminum for resale. (See Compl. ¶¶ 17-20, 14 Civ. 1855, ECF No. 1.)

The Court finds plaintiffs in the Becnel Actions to be most similar to the Commercial End User Plaintiffs, who are construction companies that are also alleged to have purchased processed aluminum for use in their operations. (See Compl. ¶¶ 18-26, 14 Civ. 3121, ECF No. 1.) Though the beverage distributor plaintiffs in Energy Beverage present a more difficult basis for analogy, the Court notes that both these plaintiffs and the Commercial End User Plaintiffs are engaged in businesses involving the resale of aluminum or aluminum products in some way (whereas the Consumer End User Plaintiffs are not). (See Compl. ¶¶ 17-19, 14 Civ. 3122, ECF No. 1.) Accordingly it is hereby

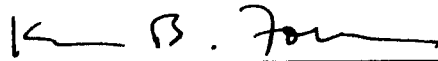
ORDERED that the Becnel Actions shall be considered part of the new action for the Commercial End User Plaintiffs (14 Civ. 3121) for purposes of the pending motions to dismiss, discovery disputes, and all other pretrial purposes for which these actions have been coordinated.

² Because this complaint provides no description of the nature of plaintiff's business (except that it purchased aluminum), the Court also refers to plaintiff's website: <http://www.rpcontractors.com>.

The Clerk of Court is directed to close the actions 13 Civ. 9095 and 14 Civ.
1855.

SO ORDERED.

Dated: New York, New York
May 12, 2014

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written over a horizontal line.

KATHERINE B. FORREST
United States District Judge